

CITY OF MORGAN HILL
SPECIAL AND REGULAR CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - JANUARY 19, 2000

Mayor/Chairman Kennedy called the Special Meeting to order at 6:07 p.m.

ROLL CALL

Present: Council/Agency Members Chang, Cook, Sellers, Tate, and Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

City Council/Redevelopment Agency Action

Acting City Attorney/Agency Counsel Leichter announced the following closed session items:

CLOSED SESSION:

1

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Legal Authority: Initiation of litigation pursuant to Government Code section 54956.9(c)

Number of Potential Cases - (1)

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Legal Authority: Initiation of litigation pursuant to Government Code section 54956.9(c)

Number of Potential Cases - (1)

3.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Mission View and Cochrane Road; and APN 728-31-009 - 12.88 acres located on the southeast corner of Cochrane and Highway 101 (St. Louise Hospital property)
City Negotiators:	Agency Members; Interim Executive Director; Interim Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

Mayor Kennedy opened the floor to public comment.

The following Las Casas de San Pedro residents addressed the City Council regarding rental increases, and the conditions associated with the apartments and management: Keith Robertson (concerned that senior citizens on fixed incomes are barely able to meet monthly rental fees, management does not want to rent to other seniors, senior residents do not know who to turn to,

requested assistance from the City of Morgan Hill and Santa Clara County), Sal Moreno (did not believe that there will be senior complexes available for Cisco retirees, residents are being bullied by the landlord); Pat Scully (increased rental rates will result in senior residents leaving Morgan Hill and their medical providers); and Bonnie Peters (her apartment leaks from the rain water that accumulates from the deck, a hole in spare bedroom remains in disrepair).

No other comments were offered.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to closed session at 6:18 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 7:12 p.m.

CLOSED SESSION ANNOUNCEMENT:

Interim City Attorney Leichter announced that the City Council/Redevelopment Agency Commission was only able to discuss closed session items 1 and 2 with no reportable action taken on the two closed session items.

Mayor Kennedy informed the residents of the Las Casas de San Pedro complex that the City Council is committed to explore all options to rectify the problems that have been occurring.

The following residents from Las Casas de San Pedro addressed the City Council:

Keith Robertson recommended that the City go into the housing business or that the City/RDA purchase the complex so that the senior residents do not have to move. He said that residents moved to these apartments based on the advertisement of a senior housing complex, many residents moving from long distances to relocate to Morgan Hill. He said that the rents have been going up considerable. Individuals will have to move as rental fees have gone above one's means. Help is needed to provide senior housing that is adequate. He indicated that this complex is an inadequate facility for families with children.

Sal Moreno asked if the meeting to take place on February 2 is the same meeting that was scheduled two weeks ago that did not take place? Interim City Attorney Leichter clarified that the February 2 meeting is one between the representatives of the owners, Jeff Huffman who is representing some of the seniors, and a representative from Project Sentinel.

Mr. Moreno said that he was saddened by the situation because he left his children and grandchildren to move to Morgan Hill. He was uncertain whether he would be able to remain in Morgan Hill.

Eileen Kennedy requested that the City do whatever it can to assist these senior residents.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC SERVICE ANNOUNCEMENT

INTRODUCTIONS

Recreation Manager Spier introduced *Sandra Thomsen, Office Assistant II.*

CERTIFICATES OF APPRECIATION

Dena Campeau, Emergency Housing Consortium, presented the Mayor and the City Council with a Certificate of Appreciation in *Recognition of the City's Support of Affordable Housing.*

Mayor Kennedy presented Garry Reese with a Certificate of Appreciation for his *Service as a Library Commissioner.*

CITY COUNCIL REPORT

Council Member Tate reported the following: 1) *Calpine Committee:* A meeting was held by the Energy Commission on the Calpine project on December 16. Discussed was the process of reviewing the Calpine application. It was found that the review process would not be completed within the one year time estimate. It was stated that it appears that the review process would be ongoing through the year 2000. 2) *The Library Joint Powers Authority* approved funding of the City's library design. 3) *The Library Commission* is moving forward with the library site selection. 4) *The City and School Liaison Committee* meets to address common issues. The School District is requesting RDA assistance for some of the costs associated with the new elementary school. The School District is requesting that a policy direction be set by the City Council in terms of fees because a consistent policy is not in place. 5) He is the City Council's representative to the *Chamber of Commerce's Economic Development Committee.* He felt that the partnership between the Chamber of Commerce and the City is growing stronger in areas where there is mutual interest, especially in economic development. The committee has been split into two committees: one committee will focus on the retention and expansion of existing businesses and the other subcommittee will focus on attracting new businesses. Also, to be looked at is a tourism trade for the community.

INTERIM CITY MANAGER'S REPORT

Interim City Manager Tewes said that legislature is back in session and that for local government, it must be concerned with the allocation of property taxes. Restoration of local property taxes is an important issue to cities and Morgan Hill. Cities will be assisting the League of California Cities and others to encourage legislators and the Governor to bring this issue to a higher level of priority. He indicated that the City passed the Y2k horizon without much incident. Staff previously assured the City Council that the City's major important systems were Y2k compliant. The City was able to become Y2k compliant by changing the City's utility billing system to a new software vendor. However, the City lost many of the important features that our customers have come to rely on (e.g., customer history and tier rates). He advised the community that city staff is trying to include this information in the billing statement.

INTERIM CITY ATTORNEY'S REPORT

Interim City Attorney Leichter informed the City Council that the monthly Litigation Summary has been distributed this evening. She reported that the City is down to seven cases. She indicated that the Morgan Hill Park Owners' lawsuit has been dismissed by the Federal Court. The law suit was a challenge to the City's Mobile Home Park Rent Control Ordinance. The Court found that the ordinance is constitutional, valid and may be applied. She indicated that the time to appeal has not run and that the city has not received any indication that an appeal will be filed. In the Morgan Hill Unified School District vs. Minton and Fahey, the City filed a motion for summary judgement which will be heard at the end of February based on the failure to file a Tort Claim Act. The City is requesting the recovery of complete attorney fees in the amount of \$70,000. In two other cases, the city will be proceeding to a settlement conference in an attempt to keep litigation costs down.

PUBLIC COMMENTS

Kristy McDonald-Greenberg, 15850 Jackson Oaks Drive, said that citizens are banning together to make a hospital a reality in Morgan Hill. The community needs a hospital to meet the community's health and safety needs. She felt that the site is appropriate for a medical facility as it was built as one and did not believe that the building was appropriate for any other use. A scaled down medical facility can be successful on the site. As the city's population grows, the medical facility can also grow to meet the demands as it has the space to do so. She requested that the Council do everything possible to make a community hospital of Morgan Hill a reality for everyone. She said that she would agree to work on placing this issue of the ballot to be voted upon by the community to see if they are in favor of operating a community hospital, if necessary.

Marian Smith, 17645 Peak Avenue, concurred with Ms. Greenberg's comment. She asked if the Council has an alternative plan should a natural disaster occur when other hospitals are crowded? She felt that a small hospital in Morgan Hill is necessary. She urged the City Council to do what it takes to acquire the medical building. If this does not occur, she requested that the police and fire departments, and the City Council work on an emergency plan to take care of the individuals who desperately need medical services.

Hall Caplener, 16920 Oakridge Lane, indicated that another home in Jackson Oaks was destroyed last Thursday. Based on personal observation of his wife and him, there was a perception that fire service personnel did not arrive to the site fast enough to save the residence. He recommended that the city explore the possibility of placing another fire station at the vacated building located at the top of Dunne Avenue so that there can be a faster response time for the 1,200 homes located in the hillside community. He urged the city council to revisit the \$600,000 allocated to relocate the Morgan Hill Elementary School building as the money can be used to pay for the needed fire protection services. He volunteered to assist with the city's Master Fire Plan or with any other plan that would improve fire response.

Interim City Manager Tewes said that staff will address the questions raised this evening. He indicated that staff will be bringing to the City Council a report on the long range Fire Master Plan in the near future.

Barbara Sullivan, 16135 Olympic Drive, requested that the City Council state that it will not rezone the hospital site and that it will continue to retain the facility as a medical facility, regardless of who purchases the site. She recommended that the city consider all legal options, including eminent domain as a way of keeping the medical facility.

City Council Action

CONSENT CALENDAR:

The following items were removed from the Consent Calendar: Item 1 (Mayor Kennedy); Item 2 (Mayor Pro Tempore Chang); Item 4 (Council Member Tate/staff); and Item 7 (Mayor Kennedy).

Action: *On a motion by Mayor Pro Tempore Chang and seconded by Council Member Sellers, the City Council unanimously (5-0) **approved** Consent Calendar Items 3, 5, 6 and 8-11 by Minute Action.*

3) **REQUEST FROM THE INDOCHINESE RESETTLEMENT AND CULTURAL CENTER, INC. THAT THE CITY OF MORGAN HILL PROCLAIM THE WEEK OF JANUARY 31 TO FEBRUARY 6, 2000 AS VIETNAMESE COMMUNITY WEEK**

Action: ***Authorized** the Mayor to Sign and Forward a Proclamation, Declaring the Week of January 31 to February 6, 2000 as Vietnamese Community Week.*

5) **ASSESSMENT ENGINEERS FOR MADRONE BUSINESS PARK ASSESSMENT DISTRICT**

Action: ***Authorized** the Interim City Manager to Enter into an Agreement with NBS Government Finance Group for Assessment Engineering Services for the Madrone Business Park Assessment District.*

6) **APPROVAL OF IMPROVEMENT AGREEMENT WITH VILLA CIOLINO ASSOCIATES - CIOLINO AVENUE (APN 767-09-022, 23, 24 & 25)**

Action: ***Approved** the Improvement Agreement and **Authorized** the Interim City Manager to Sign the Agreement on behalf of the City with Villa Ciolino Associates (APN 767-09-022, 23, 24, & 25).*

8) **SPECIAL MEETING MINUTES OF DECEMBER 15, 1999**

Action: ***Approved** the minutes as submitted.*

9) **SPECIAL MEETING MINUTES OF DECEMBER 29, 1999**

Action: ***Approved** the minutes as submitted.*

10) **SPECIAL MEETING MINUTES OF JANUARY 5, 2000**

Action: ***Approved** the minutes as submitted.*

11) **SPECIAL MEETING MINUTES OF JANUARY 6, 2000**

Action: *Approved the minutes as submitted.*

1) **DECEMBER FINANCE AND INVESTMENT REPORT**

Mayor Kennedy noted that the revenue expense summary table shows that the expenditure for housing and capital projects is less than 10%. He inquired as to the reason for this? Director of Business Assistance and Housing Services Toy informed the City Council that the current budget for housing is \$9 million. Of this \$9 million, \$1.9 million will be spent on Via Ciolino. He said that staff will return with different programs and projects but that it is unknown if the entire \$9 million will be spent this year.

Mayor Kennedy said that one of the issues raised in the Governor's budget report is that RDA housing monies are not being properly used. He said that Morgan Hill has a history of completing good housing projects and programs. He wanted to make sure that the city continues on this path by using these funds wisely. He said that it appears that the city is lagging behind.

Interim City Manager Tewes said that staff will return with a comprehensive report on the use of RDA low and moderate income funds/projects.

Council Member Cook noted that the funds being discussed include CDBG monies, monies that have been saved over a period of years. She said that a large portion of the fund is CDGB funds and not necessarily housing funds.

Interim Finance Director Reza clarified that funds are combined in this report.

Mayor Pro Tempore Chang said that up to approximately 4-5 months ago, the Finance and Audit Committee used to meet monthly prior to City Council meetings to review the budget line items. She recommended that these meetings be reinstituted.

Mayor Kennedy requested that staff agendize discussion of the city's housing projects. Mr. Toy informed the City Council that the housing work program is scheduled to return to the next Redevelopment Agency meeting to discuss the City's priorities and programs and how the funding is to be spent.

Action: *On a motion by Council Member Tate and seconded by Council Member Cook, the City Council unanimously (5-0) Accepted and filed report.*

2) **REVIEW OF TENTATIVE MAP APPROVAL FOR SUBDIVISION, SD-99-11: EAST DUNNE - MORGAN MEADOWS**

Mayor Pro Tempore Chang stated that she would not be able to vote on this item as she resides within 300 feet of the project.

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council, on a 4-0-1 vote with Mayor Pro Tempore Chang abstaining, Took No*

***Action.** Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.*

4) AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF ENDEMAN, LINCOLN, TUREK & HEATER

Interim City Manager Tewes noted that the report indicates that staff is asking for authorization to enter into an amendment to the agreement with respect to legal services. The report indicates that the cost of this agreement can be accommodated in the mid-year budget adjustment. He noted that the City Council has not held their mid year budget adjustment. He recommended that the City Council authorize staff to enter into the agreement and to appropriate \$30,000 from the RDA low-moderate income housing fund to be transferred to the mobile home fund to meet expenses.

Council Member Tate asked if staff was aware of the amount that is needed to be transferred now that case is settled?

Council Member Cook said that she spoke with the Interim City Manager about this issue due to the lack of funds in the mobile home account. She was glad to see that there are other funding sources to support this important issue.

***Action:** On a motion by Council Member Cook and seconded by Council Member Tate, the City Council unanimously (5-0): 1) **Authorized** the Interim City Manager to Execute the Amendment to Agreement with the Law Firm of Endeman, Lincoln, Turek & Heater and 2) **Appropriated** \$30,000 from the RDA low to moderate income housing fund to the mobile home fund.*

7) CERTIFICATION OF BICYCLE ELEMENT PROJECTS FOR VALLEY TRANSPORTATION PLAN 2020 - Resolution No. 5343

Mayor Kennedy stated that it has always been his vision to have a creek side trail along the Little Llagas Creek as far as the City can go (project #2). He suggested that the Bicycle Element to be submitted to the Valley Transportation Authority (VTA) as part of the VTA 2020 be modified to start at Spring to incorporate the Via Ciolino housing project in order to include a creek side park.

Director of Public Works Ashcraft said that staff is not sure when the PL566 project would be completed to Dunne Avenue. It is staff's belief that the PL566 project would have its next start at Llagas Road, heading north. He said that it may be possible to place a bicycle trail in the area suggested by Mayor Kennedy, however, it would be an interim bicycle path until such time that the PL566 project is completed. He was not sure whether the city would be eligible for a grant for an interim bicycle path that may have to be replaced when the ultimate channel is built out. Staff would investigate this issue. He indicated that the project was based on small phases based the advice of VTA staff.

Mayor Pro Tempore Chang asked staff how it would approach the installation of a bicycle trail from Morgan Hill to the Cisco development along Santa Teresa Boulevard, should the Cisco development

become a reality? Mr. Ashcraft said that a bicycle trail from Morgan Hill to the future Cisco development would involve three jurisdictions. The bicycle trail would have to be placed on the combined Bikeway Plan of the City, Santa Clara County and the City of San Jose. He informed the City Council that he did not believe that there is a bicycle trail designated on Santa Teresa Boulevard. However, the County is working on a Master County Bicycle Trail Master Plan at this time as the City is working on its local master plan. He said that one way to get to Cisco would be through the Coyote trail.

Mayor Kennedy stated that Monterey Highway is also designated in the County's Bicycle Master Plan and therefore may be an alternative. He noted that this is a 2020 master plan and recommended that the City include this bicycle trail in the plan.

Action: *On a motion by Mayor Pro Tempore Chang and seconded by Council Member Tate, the City Council unanimously (5-0) **Adopted** Resolution No. 5343 Certifying the City Project List for the Bicycle Element of the Valley Transportation Plan 2020 (VTP 2020), amending Exhibit A per the above discussion.*

PUBLIC HEARINGS:

12) ZONING AMENDMENT APPLICATION ZA-99-11 AND DEVELOPMENT AGREEMENT APPLICATION DA-99-04: EAST DUNNE - MORGAN MEADOWS - Ordinance Nos. 1471 and 1472, New Series

Mayor Pro Tempore Chang stepped down from discussion due to a potential conflict of interest as she resides within 300 feet of the project.

Director of Community Development Bischoff presented the staff report. He informed the City Council that he spoke with Council Member Cook who expressed concern regarding Paragraph 14(n)(vi) relating to the timing of the installation of public improvements. It is Council Member Cook's recommendation that the installation of public improvements be more stringent.

Council Member Cook said that the applicant received points under the Measure P competition for agreeing to install public improvements, specifically the installation of a traffic signal at the Hill/Dunne intersection. She felt that this is an improvement that is needed in the community. She said that it is common to specify the timing of commitments made by the developer. She can anticipate a situation where phase II can be constructed prior to the completion of the 10th unit. She recommended that paragraph 14(n)(vi) be amended to read: "All public improvements along East Dunne Avenue and Hill Road must be completed prior to the issuance of the Certificate of Occupancy for the 10th **11th** unit **building permit** in Phase 2a of the development."

Mayor Kennedy opened the public hearing.

Wayne O'Connell, applicant, stated that he did not object to the amendment as suggested by Council Member Cook as it is his intent to install the improvements. He requested some leeway on being able to build as the traffic signal still needs to be designed and the procedure to get this procedure completed takes time to be processed by the public works department.

No further input being opened, the public hearing was closed.

Action: *On a motion by Council Member Tate and seconded by Council Member Cook, the City Council, on a 4-0-1 vote with Mayor Pro Tempore Chang abstaining, **Approved** the Mitigated Negative Declaration.*

Action: *On a motion by Council Member Tate and seconded by Council Member Cook, the City Council, on a 4-0-1 vote with Mayor Pro Tempore Chang abstaining, **Waived** the Reading in Full of the Residential Planned Development (RPD) Ordinance No. 1471, New Series.*

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council **Introduced** Ordinance No. 1471, New Series by Title Only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO AMEND A RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT TO INCLUDE A PRECISE DEVELOPMENT PLAN FOR A 19-UNIT SINGLE-FAMILY PROJECT LOCATED AT THE SOUTHWEST CORNER OF EAST DUNNE AVENUE AND HILL ROAD, AND TO REZONE THE PROPERTY FROM R-1 (7,000)/RPD TO R-1 (9,000)/RPD (APNs 817-74-001 THRU 006) (APPLICATION ZA-99-11: EAST DUNNE-MORGAN MEADOWS) by the following roll call vote: AYES: Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council, on a 4-0-1 vote with Mayor Pro Tempore Chang abstaining, **Waived** the Reading in Full of the Development Agreement (DA) Ordinance, No. 1472, New Series, as amended.*

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council **Introduced** Ordinance No. 1472, New Series by Title Only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT APPLICATION DA-99-04: FOR MEASURE P PROJECT, MP-98-24: EAST DUNNE-O'CONNELL. (APNs 817-74-005 & 006), amending paragraph 14(n)(vi) as stated by Council Member Cook by the following roll call vote: AYES: Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: Chang; ABSENT: None.*

13) ZONING AMENDMENT APPLICATION ZA 99-13: CITY OF MORGAN HILL - ZONING ORDINANCE CLEAN UP - Ordinance No. 1473, New Series

Director of Community Development Bischoff presented the staff report and recommended amendment to Sections 5 and 6 of the ordinance to delete reference to the word "principal" from both sections.

Mayor Kennedy expressed concern with Section 29 which would reduce the height limits from 35 to 30 feet in commercial zoning districts. He felt that the city should be flexible with its height

restrictions as there are certain areas in the city that should not allow tall buildings as you go further out from the core of the city. However, he wanted to allow the option of allowing taller buildings in the downtown area. He expressed concern that the ordinance, as proposed, would be too restrictive.

Mr. Bischoff informed the City Council that one of the recommendations of the General Plan Update Task Force is to update the Downtown Design Plan. Mayor Kennedy's concern could be addressed at that time. He said that there were mixed feelings on the part of the Task Force with respect to density and heights of building in the downtown. The majority of the Task Force felt that less intensity and lower heights were desirable.

Council Member Sellers agreed with the goal of not encouraging flat roofs. He felt that the number of stories that would be allowed in the city is a different issue. He recommended that this issue be addressed separately.

Mayor Pro Tempore Chang said that she has seen other cities' industrial areas with two-story buildings, with a certain height and sufficient setbacks that are designed wonderfully and do not give a perception of being crowded. With the approval of decreased setbacks and increased heights, it would result in a clustered look. This may not be apparent at this time but that it will become apparent at build out. She stated her support of lowering the building height to 30 feet. She said that a presentation was made to the Task Force to increase the downtown density from 15-20 to 30-40 units. Not one member of the Task Force stated that their support nor was this issue discussed.

Council Member Cook said that a representative from the Greenbelt Alliance made a presentation regarding the definition of an urban setting (e.g., taller buildings, higher density around transportation modes). When the Greenbelt Alliance representative concluded their presentation, a discussion did not take place by Task Force Members.

Council Member Tate felt that if the 30-foot height limit is approved, the city would be receiving a number of requests for exceptions to the height limit. He felt that the code should be crafted in a way to get rid of boxed shaped buildings without having exceptions coming before the city.

Interim City Attorney Leichter said that the Council can ascribe a sunset to the proposed height limitation to see if this height limit works and whether there will be a number of requests for exceptions during this time period. As an alternative, the Council could include discretionary language in the ordinance.

Mayor Kennedy recommended that the current height limit be retained and that any modifications to the height limit return for further discussion.

Mr. Bischoff agreed that the issue of building height warrants further study. He indicated that one of the things that has been included within the Planning's work program this year is to update the Design Review Ordinance and the Architectural Review Handbook. He recommended that this issue be revisited and addressed through this process.

Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was

closed.

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **Waived** the Reading in Full of the Clean Up Ordinance, No. 1473, New Series, as amended.*

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council **Introduced** Ordinance No. 1473, New Series by Title Only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING TITLE 18, THE PLANNING AND LAND USE CODES TO ELIMINATE TEXT ERRORS, TO PROVIDE CLARIFICATION TO EXISTING TEXT AND CODE PROVISIONS, AND INCORPORATE NEW CODE STANDARDS AND DEFINITIONS. (APPLICATION ZA-99-13), deleting Section 29 (retaining the 35 feet, three story height limitation and renumbering the remainder sections) by the following roll call vote: AYES: Chang, Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

OTHER BUSINESS:

14) POLICE FACILITY MASTER PLAN

Chief of Police Schwab presented the staff report. He informed the City Council that Edward Gee was present this evening to address the results of the space planning study based on broad-based assumptions being made and cost estimates based on a scenario that the city looked at the current building to see if it is adequate for the next 20 years.

Edward Gee, consultant, informed the City Council that the current facility does not meet current American Disability Act and the California seismic codes for an essential facility. Analyzed was the current space need and a 20-year space needs projection. He said that his study found that the city is in need of an 18,600 square foot facility at an estimated construction cost of \$200/square feet. The non building area is estimated to be \$10/square foot. There are also contingency costs and site acquisition of two adjacent parcels to accommodate an expansion at a total cost of approximately \$5.5 million.

Mayor Kennedy noted that it was indicated that the cost to expand the current site is \$1.3 to \$1.8 million and that a new facility would cost approximately \$5.5 million with a net difference of \$4 million.

Mr. Gee said that a 46,000 square foot building is needed to accommodate an adequate police facility. He indicated that an overcrowded facility results in an inefficient departmental operation.

Chief of Police Schwab indicated that staff investigated short term fixes to the existing structure at a cost of \$211,000. He indicated that whatever is done to the current building is going to be money that cannot be recovered when the City looks at a long term facility.

Mayor Pro Tempore Chang said that she does not know where the city will find \$5.5 million to

complete the project over the next five years unless monies are taken from the General Fund. She said that the use of general fund monies has not been approved to assist with expansion or the construction of a new facility.

Chief of Police Schwab requested that the City Council direct staff to develop a master plan that includes the strategy for implementation and financing plans, evaluating the current police impact fees to determine whether the fees are appropriate. Staff would return to the City Council with the needs in 20 years for a police facility and with recommendations on how to accomplish this both on a short term and long term basis.

Council Member Cook asked if it was time to consider another substation in another part of town as the population concentration is starting to change. Chief of Police Schwab said that staff looked at the possibility of neighborhood substations. The issue is how they would be staffed. If a substation is built, there is an expectation that the doors would remain open during business hours and he was not sure if this could be guaranteed at this time or in the near future.

Mr. Gee said that a few years ago, there were federal and state grants available for police personnel. He recommended that the City tap into some of the state surplus funds by contacting local elected officials. Another alternate funding source is a Redevelopment Agency district.

Council Member Sellers said that he has been asked if the City can contract police services with the county as is currently being done with fire services. He asked if this alternative has been addressed and to what degree is it appropriate to address as part of the master plan?

Chief of Police Schwab said that when he was hired as Chief of Police, his first job was to research contracting out to the County Sheriff's Department, comparing hours per hour of the benefits of maintaining the City's police department versus contracting with the County Sheriff's department. The bottom line is that the city can provide the same level of service at a lower cost than contracting out police services to the county.

Council Member Sellers agreed that it may not be worth revisiting this issue but recommended that staff include the background of information in the master plan as to what has occurred and that all options were considered.

Mayor Kennedy said that the State has a budget surplus and that millions of dollars have been taken away from the city over the past six or seven years. He recommended that the city seek state grants to assist with facilities through the city's legislative representative Senator McPherson as soon as possible.

Mr. Gee said that some counties have gone into designing lease backs as an option. A developer would build the facility for the city. The city, in turn, leases the facility back. After a 10-15 year payback, the city would eventually own the facility.

Interim City Manager Tewes said that borrowing is another option when the issue is one of cash flow.

You can always borrow money but the problem is paying back the loan. A financing strategy should include paying for the capital costs over time since the community will benefit from the capital investments over time. The basic issue is one of the adequacies of resources and not cash flow.

In response to Mayor Pro Tempore Chang's question, Chief of Police Schwab indicated that the city has had a police impact fee in place since 1988. He stated that the impact fee was calculated based on the projected growth of the police department in 1988. In 1991 and 1992, the police department was cut 40% and in 1993 and 1994, the impact fees were recalculated and reduced by 50% or greater because the resources available were reduced. He said that the city is collecting approximately \$100,000/year based on the current rate. These rates need to be reviewed to see if they are proper given the projection of service level.

Council Member Cook noted that there is less than \$1,000,000 in the police impact fee.

Council Member Tate recommended that the Council go on a ride along as it will give the Council the sense of urgency that a better facility is needed.

Action: *Council Member Cook made a motion, seconded by Council Member Tate, to **Direct** Staff to Utilize the Information to Develop an Updated Police Facility Master Plan for City Council Review and Adoption.*

Mayor Kennedy requested that staff look at alternative funding mechanisms.

Action: *Council Members Cook and Tate amended their motion to **Direct** staff to also investigate alternative funding mechanisms for funding the police facility as part of the master plan.*

Interim City Manager Tewes said that the California Redevelopment Law states that you cannot use funds for a city hall. It is less clear with respect to police facilities. It was his belief that under certain circumstances if certain findings are made, that it would be possible to use RDA funds to some degree but that it cannot pay for the entire facility.

Mayor Pro Tempore Chang expressed concern with the use of RDA funds for the police facility prior to completing all of the other visioning projects that have been committed to the public.

Mayor Kennedy opened this item to public comment.

John Dossetti, 15174 Yosemite Way, stated that ten years ago when the City decided to purchase the Bank of America building he felt that it was not a wise idea as the city took away a prime retail building in town. He said that the city owns ten acres on Peak Avenue that can be used to build upon. He recommended the use of state and federal funds to assist with police services.

No other comments were offered.

Vote: *The motion carried unanimously (5-0).*

15) POLICE RECRUITMENT INCENTIVES

Chief of Police Schwab presented the staff report and clarified that the city cannot require police officers to reside in the city limits or requires police officers to reside within any specified distance from the city. The city can provide the officers with an incentive should they choose to live in the city or within a specified radius from the city.

Interim City Attorney Leichter stated that the city cannot require residences within a certain jurisdiction. However, the city can establish a proximity requirement.

Council Member Cook said an issue directly linked to this issue is the need for ongoing recruitment of police officers. She said that there is no other incentive for an officer to stay in the community other than the housing assistance incentive. This does not resolve the ultimate problem of retention.

Chief of Police Schwab said that in the last two years, police officers who have left the department are attributed to retirement, mutual agreement, or to seek employment elsewhere. There is a certain amount of attrition that is expected annually. It was his belief that recruiting police officers will become a statewide problem in the future.

Mayor Kennedy complimented staff on the creative suggestions. He asked if the city spoke to other cities regarding other incentive programs? Chief of Police Schwab said that the COPS federal program is offering funds for housing assistance. However, the problem with this program is that the restrictions are such that officers have to live in an area that has a higher than average crime rates based on a national average for inner cities. The city does not qualify for this program.

Mayor Kennedy recommended that staff talk to the executive director of the Santa Clara County Cities Association to find out what programs other cities have in place to recruit and retain officers.

Chief of Police Schwab informed the City Council that staff needs additional direction from the City Council to return with a detailed program, including funding sources. The City Council can base its decision based on the information.

Council Member Sellers encouraged staff to research other housing incentive programs. He felt that if officers reside in one's neighborhood, this would be a big benefit to a neighborhood as well. He asked if this was a benefit that should be investigated further?

Chief of Police Schwab said that having a police officer reside in one's neighborhood is sometimes a benefit but sometimes it becomes a detriment to the police officer. He indicated that police officers want to live in Morgan Hill and that any housing assistance that can be offered would help in the recruitment of police officers.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Council Member Cook requested that incentives 1-5 be voted upon followed by incentives 6 and 7.

Action: *On a motion by Council Member Cook and seconded by Council Member Tate, the City Council unanimously (5-0): 1) **Authorized** Staff to Implement Incentives One through Five in the Report.*

Council Member Cook stated that she did not agree in theory with a program that rewards \$1,500 to city employees who refer a police officer candidate to the city. She stated that she was philosophically opposed to incentive number six.

Mayor Kennedy asked how the recruiting incentive number was derived? Chief of Police Schwab indicated that another bay area city has implemented this program and that the program includes other positions that are difficult to fill. If the candidate is hired, the referring employee receives an award for the referral. He said that there are checks and balances in the system such that a referring employee cannot be a supervisor or training officer of the new employee. Also, the referring employee cannot be accused of nepotism or the issue of guaranteeing the employee's success or probation in order to receive the award.

Council Member Tate said that he would like to implement a reward for the successful recruitment for a specified period of time.

Mayor Pro Tempore Chang said that she liked the home purchase assistance program and that she would be willing to extend this program to certain city positions but that she does not want to extend the incentives to citizens.

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council on a 4-1 vote with Council Member Cook voting no **directed** staff to implement incentive six in the report.*

Council Member Cook reiterated that she was philosophically opposed to having the city become involved in any loan payment or grant to house individuals. She did not like to treat one group from within the city differently from other groups of employees. She said that if the city wants to assist police officers with the purchase of homes in the community, the city should pay a greater salary versus subsidizing a home.

Mayor Kennedy recommended that this be reviewed as pilot program. If it works well in the police department, the program can be expanded.

Council Member Cook had no doubt that the incentive program would be successful. She expressed concern that the program would be valuing one city employee's skills over another.

Council Member Sellers recommended that staff return with additional information and options so that the program can be explored further.

Action: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council, on a 4-1 vote with Council Member Cook voting no, **Directed** Staff to further Develop Incentive Seven in the Report and Return for Council Approval.*

16) SUPPORT OF PROPOSITION 14 (SB 3) THE STATEWIDE BOND FOR LITERACY AND LIBRARIES ON THE MARCH 7, 2000 STATEWIDE BALLOT - Resolution No. 5344

Recreation Manager Spier presented the staff report.

Mayor Kennedy opened the floor to public comment

Carol Holzgrafe stated that the Library Commission has had a consultant from Sacramento provide it with a lot of good information on how the city can position itself to take proper advantage when and if the bond passes. She recommended that the City Council endorse the passage of Proposition 14.

Evelyn Kobayashi requested that the City and the community support Proposition 14 as it is a great opportunity to assist with the construction of a local library.

Action: *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Chang, the City Council unanimously (5-0) **Adopted** Resolution No. 5344 Supporting the Passage of Proposition 14 at the March 7, 2000 Statewide Ballot.*

Action: *By consensus, the Council considered items 21 and 22 at this time.*

Redevelopment Agency Action

OTHER BUSINESS:

21) LIBRARY FACILITY SITE SELECTION

Recreation Manager Spier presented the staff report.

Vice-chairwoman Cook said that in analyzing Exhibit B – Criteria Priority Weighing & Site Evaluation Summary, it is apparent that the top three sites were included based on the numeric rankings and the weighing that were identified in the table. She stated that she preferred site 5 for several reasons.

Ms. Spier clarified the process for ranking the sites and indicated that site 5 was in the top five preferred library site.

Mayor Kennedy opened the floor to public comment.

Carol Holzgrafe indicated that site 5 was her preferred site. It was her recollection that the main objection to site 5 came from Commission members who commute from the north and drive down Monterey Road during the commute hours. It was indicated that siting a library facility directly across the street from the post office, despite the fact that there would be a traffic signal installed at Cosmo and Monterey, would result in traffic conflicts.

Evelyn Kobayashi said that the Library Commissioners who were concerned about the heavy traffic on Monterey Road were not aware that Church Avenue was another south bound alternative. Had they been made aware of this fact sooner, the outcome may have been different.

Geno Acevedo stated that he does not like to see public facilities on heavily traveled roads due to the concern for the safety of the children. He noted that Monterey Road is a heavily-traveled road and that it is expected to be even more so as the commercial corridor develops in the future. A library facility would add an impact to an already heavily traveled corridor. He would prefer to see the library in an area that is less heavily traveled.

Ms. Holzgrafe said that Library Commission would be willing to prepare a report indicating the reasons behind the choices for the various sites selected. She said that times have changed from the former years of locating libraries in residential zoning districts. The current trend is to place a public facility such as a library in a more centrally located visible area.

Chairman Kennedy said that it would be helpful to have the information as to the reasons the various sites were selected, including the votes.

Ms. Kobayashi said that she was not aware that there was an opportunity to vote on the five sites and felt that there may have been in a misunderstanding of the process.

Laura Brunton asked if costs were factored into the judgement if site selection?

Vice-chairwoman Cook responded that the Commission looked at ownership, unusual operating or maintenance costs, availability of utilities, demolition or hazardous materials costs or unusual drainage costs associated with the site selection process.

Ms. Spier identified the vote rankings for the sites. She said that there were no parameters to proceed with three sites.

Agency Member Tate concurred that there may be some confusion on the voting procedures.

Agency Member Sellers recommended that the top five sites be considered based on the fact that site five has some interest on the part of the City Council.

Garry Reese clarified that site 7a was excluded because of the cost associated with the expansion of the existing facility versus the construction of a new building on the same site. If a new library facility is built, the existing library facility could be used as another public facility. Also, the same problems that were identified for not recommending expansion to the existing library exist based on the ability of adding new technology to an old building. Retaining the existing building may not be in the best interest of the community.

Agency Member Sellers felt that the Council needs to be able to explain to the community the reasons the library facility cannot be kept at its current location as the current site has a lot of community support.

John Dossetti noted that the city currently owns the land where the library sits, it is a good location and that there is plenty of room for expansion or construction of a new facility. He supported retaining the library at its current location.

Ms. Kobayashi said that a number of years ago some utilities were undergrounded underneath the back parking lot behind the library. It has been indicated that moving the utilities would be extremely expensive. The Steinberg report brought out the fact that there is an 18-foot difference in grade from the front to the back of the site and that this would cause serious problems in the Murphy Spring underground area. For the same price, the money can be taken to build a purpose-built modern library at another location. She stated that she was also in support of site five.

No other comments were offered.

Vice-chairwoman Cook stated that you cannot change the long length of Monterey Road but that you can fix the unsightly areas, taking different segments of Monterey Road and developing points of interest. She said that the General Plan Update Committee was looking at site 5 and felt that it would be a great place for something of special interest or a public facility. Also, the site can be improved and the creek area to the rear utilized to provide a place for children and adults to recreate. She noted that there are other agencies located in the Peak/Main neighborhood that children can utilize such as the YMCA or the El Toro Youth Center should the library facility be relocated. She supported the consideration of site 5 based on these factors.

Chairman Kennedy concurred with opening a creek side park to the rear of site 5. He also supported Agency Member Sellers' suggestion to include the expansion of the existing facility as part of the facility study for educational purposes.

Agency Member Chang stated that she also supported site 5. However, she noted a public opinion poll indicates that the majority of the public supports the existing library site and recommended that the City Council keep this in mind.

Action: ***Action:** On a motion by Council Member Sellers sand seconded by Council Member Tate, the City Council unanimously (5-0): 1) **Directed** staff to proceed with the five sites (5, 6, 7a, 7b, and 10) for Further Study; 2) **Directed** Staff to Proceed with a Request for Proposal for a Site Feasibility Study; 3) **Appointed** Council Member Tate to be on the Selection Committee for the Site Feasibility Consultant; and 4) **Authorized** Staff to Return with a Contract for the Site Feasibility Study.*

22) SMALL BUSINESS FEE DEFERRAL PROGRAM

Director of Business Assistance and Housing Services Toy presented the staff report.

Chairman Kennedy asked why the program is being restricted to either/or with respect to sewer fee deferral or this deferral program? Mr. Toy noted that the existing traffic and sewer fee deferral programs have a minimum of \$10,000-\$50,000 funding assistance. This program goes up to \$10,000, filling the gap of what the other deferral programs do not cover.

Chairman Kennedy said that a few years ago sewer fees were too high and it discouraged a business owner from building a restaurant at Tennant Station. He did not see a reason to restrict the assistance to one program or another if it brings in a good or needed business into town. Mr. Toy said that the city can operate both programs at the same time. However, the City would have to figure out a system to make both programs work.

Agency Member Tate said that there are some businesses that the City should target as they would add a lot to the community. He said that in some instances, he would like to assist small business more than what is being proposed by staff. He said that it may be good to have a provision that states that if a business meets a certain criteria, the business would be entitled to additional assistance.

Chairman Kennedy asked if staff investigated enterprise zones that encourage businesses to locate in the downtown by giving advantages to businesses that locate in the downtown? Mr. Toy responded that the program was designed to provide assistance to business that would locate in areas that the city wants to see improved. Therefore, the program was designed to be used citywide.

Agency Member Chang stated that she would like to change some of the eligibility requirements to see if there is an actual benefit to the city to provide assistance.

Vice-chairwoman Cook recommended that staff be directed to specify the criteria desired by the Agency Commission. She noted that Chairman Kennedy would like to see the program targeted to certain areas. Agency Member Chang states that she would like to see a financial return (benefit to the community). Also, a business must truly be in need of assistance.

Chairman Kennedy opened the floor to public comment.

John Dossetti indicated that he serves on the Chamber of Commerce's Economic Development Committee. He concurred that the Florentine Restaurant was lost to the community because of high city fees. He stated that businesses do not want loans but that they would like to have city fees waived for a certain period of time as all of the impact fees cannot be paid upfront. He recommended that fees be deferred to allow small businessmen to develop cash flows in order to fill up vacant commercial parcels.

Chairman Kennedy stated that he liked the small business program but that he would like to see the program expanded to include deferring sewer and traffic impact fees as well as participation of this program.

Agency Member Tate agreed to defer sewer and traffic fees if certain conditions are met. Staff needs to develop a criterion that would apply to be eligible for the program.

Agency Member Chang recommended that businesses that provide an economic return to the city be allowed to participate in any program developed.

Mr. Tewes stated that the City has the ability to assist businesses that have more desirable features than others. It was his understanding that Agency Member Chang would like to see businesses assisted that provide a greater economic return to the community. He said that the city always has

the ability to assist projects on a case by case basis, evaluating them separately and independently. It is also useful to have a program designed that is easy to administer, that is easy for business owners to understand and meets the city's objectives. He recommended that the Agency establish policies, purposes and objectives so that a business owner can determine if they are eligible for the program.

Agency Member Chang noted that the fee deferral program established required a 4:1 ratio as a guideline for economic development without stating whether the business needs to be big or small to be eligible for the program. It is now being stated that a small business would not have to adhere to the guideline.

Action: *On a motion by Agency Member Tate and seconded by Agency Member Sellers, the Agency Commission, on a 3-2 vote with Vice-chairwoman Cook and Agency Member Chang voting no: 1) **Approved** the Guidelines for the Small Business Fee Deferral Program; 2) **Directed** Staff to Prepare the Program Materials and Legal Documents to Implement the Program; 3) **Authorized** the Interim Executive Director to Make Modifications to the Program, from time-to-time, as Necessary for Implementation, making it an either/or program; and 4) **Program to return** in six months to review the businesses that applied for the program and to ensure that it is meeting the Agency's criteria.*

Action: *Mayor Pro Tempore/Agency Member Chang moved to adjourn the meeting. The motion died for the lack of a second.*

Action: *On a motion by Council/Agency Member Tate and seconded by Council/Agency Member Sellers, the Agency Commission unanimously (5-0) agreed to extend the meeting to 11:30 p.m.*

City Council Action

17) REVIEW OF CITY COUNCIL COMMITTEES AND APPOINTMENTS TO OUTSIDE AGENCIES

Council Member Tate stated that he has been serving to the Chamber of Commerce's Economic Development Committee and recommended that this and other committees be formally assigned. He indicated that Council Member Sellers will also be serving on the Economic Development Committee.

Council Member Cook expressed concern that the Economic Development Committee is becoming a City Council subcommittee. She did not object to Council Members serving as individuals in that capacity. Therefore, she was not sure whether this committee needs to be made a subcommittee of the City Council.

Council Member Sellers said that the reason that the Chamber of Commerce's Economic Development Committee was not on the list because it is a separate related subcommittee. He recommended that the current outside committee and agency assignments remain as listed with the understanding that participation of the Committee is a quasi function by the extension of being a council member.

Mayor Kennedy stated that he would occasionally like the opportunity to participate in the Economic Development Committee as well. However, if you have three council members attending, the meeting has to be noticed or one council member would not be able to participate. He recommended that the discussion of this subcommittee be scheduled for a future meeting for further discussion.

Action: *On a motion by Mayor Pro Tempore Chang and seconded by Council Member Sellers, the City Council unanimously (5-0) 1) **Reviewed** the Current List of Assignments and Appointments and Made Suggested Changes to the Mayor; and 2) Mayor Kennedy **Modified and Appointed** Council Members to Serve on the Various Council Committees and Outside Agencies with City Council Approval as follows:*

<i>Finance & Audit Committee (six month rotations)</i>	<i>(P) Cook: 2/00 to 7/00 (P) Chang: 2/00 to 4/00 (P) Tate: 5/00 to 10/00 (P) Sellers: 8/00 to 1/01</i>
<i>Santa Clara Valley Transportation Authority (VTA) Board Representative</i>	<i>(P) Kennedy</i>
<i>Santa Clara Valley Transportation Authority Policy Advisory Committee (PAC)</i>	<i>(P) Chang (A) Sellers</i>
<i>South County Regional Wastewater Authority (SCRAW)</i>	<i>(P) Cook (P) Chang (A) Sellers (A) Tate</i>

*P = Primary
A = Alternate*

Action: *Mayor Kennedy **directed** staff to return with an amendment to City Council Policy 94-01 as item 1 is obsolete as it is the Mayor's responsibility to make appointments subject to ratification by the City Council.*

SECOND READING OF ORDINANCE:

18) ADOPT ORDINANCE NO. 1470, NEW SERIES

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council **Adopted** Ordinance No. 1470, New Series by the following roll call vote: An Ordinance of The City Council of The City of Morgan Hill Authorizing an Amendment to the Contract between the City Council of the City of Morgan Hill and the Board of Administration of the California Public Employees Retirement System. AYES: Chang, Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

Redevelopment Agency Action

CONSENT CALENDAR:

Action: *On a motion by Agency Member Chang and seconded by Agency Member Sellers, the Agency Commission unanimously (5-0) **approved** Consent Calendar Items 19 and 20 as follows:*

19) PURCHASE AGREEMENT WITH THE FANELLI REVOCABLE TRUST FOR ACQUISITION OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF FIFTH STREET AND MONTEREY ROAD (APN 726-13-003)

Action: *1) **Approved** the Purchase Agreement with the Fanelli Trust to Acquire the Property at 17090 Monterey Road (APN 726-13-003) for \$425,000 plus all Escrow and Closing Costs; 2) **Authorized** the Interim Executive Director to Execute the Purchase Agreement and Make Modifications, as Needed, to the Environmental and Indemnity Provisions within the Purchase Agreement; and 3) **Appropriated** \$430,000 from the Redevelopment Agency Fund Balance to Fund 317.*

20) SPECIAL MEETING MINUTES OF JANUARY 5, 2000

Action: ***Approved** the Special Meeting Minutes as submitted*

City Council & Redevelopment Agency Action

CONSENT CALENDAR:

Action: *On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Chang, the City Council/Agency Commission unanimously (5-0) **approved** consent calendar items 23-26 as follows:*

23) JOINT SPECIAL MEETING MINUTES OF DECEMBER 8, 1999

Action: ***Approved** the Joint Special Meeting Minutes as written.*

24) JOINT SPECIAL MEETING MINUTES OF DECEMBER 13, 1999

Action: ***Approved** the Joint Special Meeting Minutes as written.*

25) JOINT SPECIAL MEETING MINUTES OF DECEMBER 15, 1999

Action: ***Approved** the Joint Special Meeting Minutes as written.*

26) JOINT SPECIAL MEETING MINUTES OF JANUARY 12, 2000

Action: ***Approved** the Joint Special Meeting Minutes as written.*

OTHER BUSINESS:

27) SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND REDEVELOPMENT AGENCY VICE-CHAIR

City Council:

Mayor Kennedy opened the floor to nominations for Mayor Pro Tempore.

Action: *Mayor Pro Tempore Chang made a motion, seconded by Council Member Sellers to **Nominate** Council Member Tate to serve as Mayor Pro Tempore.*

Action: *The City Council unanimously (5-0) **Selected** Council Member Tate to Serve as Mayor Pro Tempore per City Council Policy.*

Redevelopment Agency:

Chairman Kennedy opened the floor to nominations for Vice-chair.

Action: *Agency Member Chang made a motion, seconded by Vice-chairwoman Cook, to **Nominate** Agency Member Sellers to serve as Vice-chair.*

Action: *The Agency Commission unanimously (5-0) **Selected** Agency Member Sellers to Serve as Vice-chair per Redevelopment Agency Bylaws.*

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to closed session at 11:17 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 11:43 p.m.

Interim City Attorney/Agency Counsel Leichter announced that no reportable action was taken on closed session #3.

FUTURE AGENDA ITEMS

No items were identified.

ADJOURNMENT: There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 11:44 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, City Clerk